

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2003-0767, Christina Lessard v. William R. Trombly, Jr., the court on January 21, 2005, issued the following order:

The defendant, William R. Trombly, Jr., appeals an order of the trial court granting a protective order to the plaintiff, Christina Lessard. He contends that the evidence failed to support a finding of a credible threat to the plaintiff's safety and that the trial court failed to make any such specific finding. We reverse.

RSA 173-B:5 authorizes a trial court to issue a protective order upon a finding of abuse. See RSA 173-B:1, I (defining "abuse"). To justify a final domestic violence restraining order, the evidence must also support a finding that the conduct constituted a threat to the plaintiff's safety. In the Matter of Alexander and Evans, 147 N.H. 441, 442 (2002).

Not only did the trial court not make such a finding in this case, but based upon the record before us, we conclude that the evidence was insufficient to support a finding that the defendant's actions constituted a credible threat to the plaintiff's safety. Accordingly, the trial court erred in entering the final domestic violence restraining order.

Reversed.

NADEAU, DALIANIS and GALWAY, JJ., concurred.

**Eileen Fox
Clerk**

Distribution:

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